## CLAIMS

1. Smart card including a microcircuit, one or more v. other components, including an accessible component, and  $(\mbox{Failla},\mbox{J}.)$ 

AMTRUST FINANCIAL SERVICES, INC., BARRY D. ZYSKIND, GEORGE KARFUNKEL, and LEAH KARFUNKEL,

Defendants.

## STIPULATED PROTECTIVE ORDER REGARDING THE DISCLOSURE AND USE OF DISCOVERY MATERIALS

WHEREAS, Plaintiff Jan Martínek and Defendants AmTrust Financial Services, Inc., Barry D. Zyskind, George Karfunkel, and Leah Karfunkel (collectively, "Defendants"), hereinafter collectively ("the Parties,") anticipate that documents, testimony, or information containing or reflecting confidential, and/or commercially sensitive information are likely to be disclosed or produced during the course of discovery in this case and request that the Court enter this Order setting forth the conditions for treating, obtaining, and using such information;

THEREFORE, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, the Court finds good cause for the following Stipulated Protective Order Regarding the Disclosure and Use of Discovery Materials (the "Order" or "Protective Order").

## 1. **<u>DEFINITIONS</u>**

- (a) "Challenging Party" means a Party or Non-Party that challenges the designation of information or items under this Order.
- (b) "Confidential Information" means information (regardless of how it is generated, stored, or maintained) or tangible things that the Designating Party designates in good faith should be protected from disclosure and use outside the litigation because it qualifies for

protection under Federal Rule of Civil Procedure 26(c), its use is restricted by statute, or it could potentially cause harm to the ongoing business interests or otherwise includes sensitive personal identifying information (e.g., social security numbers or account information) of the Designating Party or Non-Party.

- (c) "Designating Party" means a Party or Non-Party that designates information or items that it produces in disclosures or in responses to discovery as "CONFIDENTIAL."
- (d) "Disclosure or Discovery Material" means all items or information, including from any non-party, regardless of the medium or manner generated, stored, or maintained (including, among other things, testimony, transcripts, or tangible things) that are produced, disclosed, or generated in connection with discovery or Rule 26(a) disclosures in this case.
- (e) "Expert" means a person with specialized knowledge or experience in a matter pertinent to the litigation who has been retained by a Party or its counsel to serve as an expert witness or as a consultant in this action, and his or her support staff.
- (f) "House Counsel" means attorneys who are employees of a Party to this action, as well as their support staffs. House Counsel does not include Outside Counsel of Record or any other outside counsel.
- (g) "Non-Party" means any natural person, partnership, corporation, association, or other legal entity not named as a Party to this action.
- (h) "Outside Counsel of Record" means attorneys who are not employees of a Party to this action but are retained to represent or advise a Party to this action and have appeared

in this action on behalf of that Party or are affiliated with a law firm which has appeared on behalf of that Party, as well as their support staffs.

- (i) "Party" means any party to this case, including all of its officers, directors, employees, consultants, retained experts, and outside counsel and their support staffs.
- (j) "Producing Party" means any Party or non-party that discloses or produces any Discovery Material in this case.
- (k) "Professional Vendors" means persons or entities that provide litigation support services (e.g., photocopying, videotaping, translating, preparing exhibits or demonstrations, and organizing, storing, or retrieving data in any form or medium, including electronic discovery) or claims or class notice administration services and their employees and subcontractors.
- (l) "Protected Material" means any Discovery Material that is designated as "CONFIDENTIAL" as provided for in this Order. Protected Material shall not include: (i) advertising materials that have been actually published or publicly disseminated; and (ii) materials that show on their face they have been disseminated to the public.
- (m) "Receiving Party" means any Party who receives Disclosure or Discovery Material from a Producing Party.

## 2. **PURPOSES AND LIMITATIONS**

- (a) Discovery Material emanating from a Producing Party shall be used by a Receiving Party solely for this case, and shall not be used or disclosed directly or indirectly for any other purpose whatsoever.
- (b) The Parties acknowledge that this Order does not confer blanket protections on all disclosures during discovery, or in the course of making initial or supplemental disclosures